

the Legislature of Texas, approved August 7, 1876, or April 22, 1879," was taken up in regular order, and read second time.

Senator Cooper offered the following amendment:

Amend by adding to section 2 as follows: "Provided, that where the inhabitants of any school district, where the tax provided for by the acts of this Legislature, referred to in section 1 of this act, have paid the claims due by such district under said laws, such inhabitants shall be exempt from the operation of the provisions of this law."

Adopted.

Senator Davis offered the following amendment:

Amend the caption and bill so as to add "or should have been audited under said acts."

Senator Davis moved to postpone the consideration of the bill, to take up Senate bill No. 46, of like import.

The Senate refused to postpone.

On motion of Senator Peacock, the bill was recommitted to Committee on Education.

In the journal of Wednesday, the seventh inst., on page 109, where Senator Terrell moved to take up House bill 190, etc., it should have been substitute for House bills Nos. 95 and 190, entitled "An act to provide for the purchase of a site for, and the establishment, location and construction of, a branch asylum in North Texas, for the care and treatment of the insane, and to make an appropriation therefor."

It was taken up on Senator Terrell's motion, and made the special order for next day, (the eighth inst.) and to be continued from day to day until disposed of.

A message was received from the House, announcing the passage of Senate bill 39, "An act to amend articles 314 and 315, chapter 3, title 9, of the Penal Code of the State of Texas," with an amendment.

House bill No. 340, entitled "An act making an appropriation for the deficiency in the amount appropriated for public printing for the year beginning February 28, 1882, and ending February 28, 1883," was taken up, read second time, and passed to third reading.

Senator Davis moved to suspend the constitutional rule, and put bill on its third reading.

Adopted by the following vote:

YEAS—21.

Collins,	Harris,	Matlock,
Cooper,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	King,	Terrell,
Gooch,	Martin,	Traylor.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—22.

Collins,	Houston,	Peacock,
Cooper,	Johnson of Collin,	Pope,
Davis,	Johnston of Shelby,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	King,	Stratton,
Fowler,	Martin,	Terrell,
Gooch,	Matlock,	Traylor.
Harris,		

NAYS—none.

House bill No. 20, entitled "An act to amend article 4411 of the Revised Civil Statutes of the State of Texas," was taken up and read second time.

On motion of Senator Davis, the report of the committee was adopted, and the bill was ordered to lie on the table until Senate bill No. 138 is disposed of.

Senate bill No. 126, entitled "An act amendatory of title 83, and of the supplement thereto, of the Revised Civil

Statutes," (the amendments to the quarantine law), was taken up, read third time and passed by the following vote:

YEAS—23.

Collins,	Houston,	Patton,
Cooper,	Johnson of Collin,	Peacock,
Davis,	Johnston of Shelby,	Pope,
Evans,	Jones,	Randolph,
Farrar,	King,	Stratton,
Fowler,	Kleberg,	Terrell,
Gooch,	Martin,	Traylor.
Harris,	Matlock,	

NAYS—none.

Senate bill No. 1, entitled "An act amending section 570 of the Revised Civil Statutes, on private corporations," was taken up, with substitute of committee, and read second time.

On motion of Senator Davis, the committee substitute was adopted.

Senator Terrell offered the following amendment:

Add to article 556 the following: "Provided, that no private corporation shall own, as such, exceeding 640 acres of land in this State."

On motion of Senator Pope, the pending bill was postponed until Monday next, and ordered printed.

Senator Jones moved to adjourn until Monday at 10 o'clock.

Lost.

On motion of Senator Collins, the Senate adjourned until 10 o'clock a. m., to-morrow.

TWENTY-EIGHTH DAY.

SENATE CHAMBER, }
AUSTIN, February 10, 1883. }

Senate met pursuant to adjournment.

President pro tem., Hon. A. W. Houston, in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Peacock, the reading of the journal of yesterday was dispensed with and the same adopted.

On motion of Senator Kleberg, Senator Patton was excused, on account of important business.

On motion of Senator Fowler, Senator Perry was excused until Monday, on account of pressing business.

On motion of Senator Pope, Senator Davis was excused until Monday, the nineteenth instant, in consequence of important business.

On motion of Senator Fowler, the Postmaster was excused for the day, on account of sickness.

Senator Kleberg presented a petition of the New York, Texas and Mexican Railway Company, asking the issuance of land certificates for the construction of certain portions of their road.

Referred to Committee on Public Lands.

The President gave notice of the signing of House bill No. 34, entitled "An act making an appropriation for the deficiency in the amount appropriated for public printing for the year beginning February 28, 1882, and ending February 28, 1883."

Senator Jones presented a petition from citizens of Houston, in Harris county, asking for legislation to prevent railroads from obstructing roads and streets.

Referred to Committee on Internal Improvements.

Senator Peacock presented a petition from citizens of Morris county, asking for the submission to the people of a constitutional amendment to the State Constitution prohibiting the manufacture, importation and sale of intoxicating liquors.

Referred to Committee on Constitutional Amendments.

Senator Fowler, chairman of Committee on Military Affairs, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 10, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Military Affairs, to whom was referred Senate bill No. 131, entitled "An act to amend sections 28 and 31, of an act approved April 10, 1874, entitled 'an act to provide for the protection of the frontier of the State of Texas against the invasion of hostile Indians, Mexicans or other marauding or thieving parties,'" have had the same under consideration, and now beg leave to make the following report:

Under the laws now in force the powers and duties of a peace officer are conferred on only the commissioned officers provided for by the said act, and the object of the amendment proposed by this bill is to confer such powers and duties upon the non-commissioned officers and privates as well as upon the commissioned officers, and to provide the rules and regulations by which they are to be governed.

This amendment is recommended by the Adjutant-General of this State, and we respectfully recommend that the bill do pass.

FOWLER, Chairman.

Bill read first time.

Senator Evans, chairman of Committee on Public Printing, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 9, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Printing, to whom was referred resolution No. — requiring "That the Committee on Public Printing enquire into the cause why the semi-annual report of the Comptroller has been delayed in its publication and to suggest what legislation, if any, is necessary in relation thereto," have had the same under advisement, and a majority of said committee instruct me to report back, we are informed that the cause of the delay in the publishing or printing of said report, was occasioned by the copy not being placed in the hands of the Public Printer, until within the last few days. We would suggest that there being no definite day or particular time required by law, at which said report be ready, that an act be passed requiring the reports of all executive officers and persons in charge of State institutions have their semi-annual reports ready for the meeting of the regular sessions of the Legislature. A bill is handed herewith for that purpose, and requested to be passed.

All of which is respectfully submitted.

EVANS, Chairman.

Bill read first time.

Senator Chesley, for special committee, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 8, 1883.

Hon. Marion Martin, President of the Senate:

Your special committee appointed to make investigation and report cause of delay in receipt of report of the Secretary of State, Comptroller, Deaf and Dumb Asylum, Commissioner of Insurance, Statistics and History, Blind Asylum, Prairie View School and Agricultural and Mechanical College, and to ascertain when they will be received," respectfully report that we have attended to the duty assigned us, and, upon investigation, we found at the Secretary of State's office the following late reports, that do not appear to have been generally received by the Senators, to-wit: Secretary of State, Deaf and Dumb Asylum, Blind Asylum, Prairie View Normal School and Agricultural and Mechanical College. These reports can be now obtained at the Secretary of State's office.

Your committee will state that the Secretary of State informs them that these reports have been sent up to the Senate, but they seem to have either been stolen from the desks or miscarried before they got there.

The late Comptroller's report has been delayed for the reason that he desired to have it embrace all of the transactions of the office, from date of last report up to the time of the installment of his successor, January 15. He informs us that his report is now completed, and in the hands of the printer, and will be ready for delivery to-day. He also informs us that there has been a great deal of labor in tabulating the report, and verifying the proof sheets, which has caused the delay in printing it.

We are informed by the Secretary of the Board of Education that the report from the Board of Education was placed in the hands of the public printer January 15. It is voluminous, and we are informed by the public printer that it will be about two weeks before it will be ready for delivery. We are informed by the late Secretary of the Board of Education that the preparation of his report was necessarily delayed on account of the tardiness of county judges in sending up their reports, and some of those reports are

still behind. The scholastic year ends August 31, of each year, and there is no good reason why all of these reports from county judges from all counties in the State should not be received at the educational department by the first or middle of October following, and we suggest the propriety of a change in the law, making the payment of the county judges for their services in connection with the school, dependent upon their promptly forwarding their reports to the Secretary of the Board of Education, by the enactment of such a law, that reports from all counties could be received, and the Board of Education would be enabled to have their report ready and printed at the time of the convening of the Legislature.

We would also suggest that the Comptroller hereafter be required to make out his report up to the first of December, preceding the convening of the Legislature, to the end that it may be printed and ready for distribution when the Legislature convenes.

The late Commissioner of Insurance, Statistics and History informs us that he has purposely delayed his report, in order that he might embody in it a more complete report of the insurance branch of the department. The most of the insurance companies doing business in this State are located in other States of the Union, and under the laws of their respective States they are required to make full reports at the close of the year, and it is from these reports that the Commissioner tabulates the information contained in his report. The forthcoming report of the Commissioner will contain all information received up to January 31, the time of the expiration of his term of office. We will state that while this delay is to be regretted, it seems to have been necessary, in order to have the report as full and satisfactory as it should be.

We are informed by the public printer, that under his contract he has thirty days within which to print reports of the different departments after they are received. This seems to be an unnecessary length of time, and accounts in part for the delays complained of, and in the opinion of your committee no such length of time should be granted.

All of which is respectfully submitted.

A. CHESLEY,
A. J. HARRIS,
J. C. BUCHANAN.

Senator Johnston, chairman of Committee on Penitentiaries, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 10, 1883.

Hon. Marion Martin, President of the Senate:

Your joint sub-committee appointed by the two Houses of the Legislature of the State of Texas to visit the penitentiaries of the State, located at Huntsville and Rusk, and "to examine carefully and thoroughly into the character, condition, management and capacity of each of said institutions, and make a report of their action to the Committee on Penitentiaries, and make such suggestions and recommendations as they may deem fit and proper; also, to inquire into and investigate all cases of alleged harsh and cruel treatment of convicts, whether within the walls of said penitentiaries or in convict camps, or elsewhere," have performed that duty as far as practicable, and beg leave to submit the following report:

At Huntsville they found about four hundred convicts within the walls, who were engaged in the manufacture of wagons, furniture, boots and shoes, and an inferior article of cloth.

The scanty and inferior machinery render it impossible to carry on extensively those industries and to keep the men busily engaged at all times.

More shop room is necessary, but this want will soon be supplied by changing the present cell building into machine shops.

It will require the expenditure of a considerable sum of money before the labor within the walls can be profitably utilized.

The new building is capable of accommodating six hundred and sixteen convicts. This building is commodious, and seems well adapted to the health and comfort of the prisoners. The cells are well ventilated and at the same time very secure.

The convicts have not been placed in this building, on account of the damp condition of the walls.

The old prison was constructed at a time when the future wants of the State were not anticipated, and, in view of modern improvements, is not adapted to the confinement of convicts. The cells are small and badly ventilated, and the entire building has the appearance of dilapidation, rendered so by cracked and dingy walls. This old building can well be turned into machine shops, and, in this way, made valuable.

The yard of the prison, near the new building, needs grading. It is low, and in wet weather becomes muddy.

Your committee investigated thoroughly the treatment of the convicts within the walls, and are gratified to report that they are well fed and clothed, and humanely treated. They were visited while at work, and at their meals, as well as in their cells, and a degree of cheerfulness was observed, which is the best evidence of good treatment. The food furnished them seemed abundant and wholesome.

At Rusk, your committee found about three hundred and forty convicts within the walls. Their treatment was about the same as that of those at Huntsville, except that they were idle, there being no machinery of any kind to employ them.

This penitentiary has been but recently organized. Messrs. Morrow, Hamby & Co. took charge on the first of January, 1883, with three hundred and forty convicts, without any provisions or preparations to receive them. Bedding, clothing and cooking utensils had to be furnished. And they are now maintained in idleness, at the cost of the lessees. But negotiations are going on for machinery to fit this prison for smelting iron and for manufactories, but it will require a large expenditure of money, and considerable time, to develop these industries. This prison is a magnificent building, capable of accommodating about one thousand convicts. The cells are well ventilated and securely constructed. It is located near the Kansas and Gulf Short Line Railroad. This road seems to discriminate against the State in transportation, which makes the charges for freight on provisions and materials very high.

The hospital at this prison, as well as at Huntsville, appears to be well managed, and the sick well cared for. Both are in need of libraries and surgical instruments.

There are eleven hundred and twenty-four convicts assigned to the Rusk penitentiary, under the management of Messrs. Morrow, Hamby & Co., of which number, three hundred and forty-four are within the walls. The remainder are at work on farms and railroads, except a small force at work in the coal mines of Eastland county.

Eleven hundred and twenty-four convicts are assigned to Huntsville penitentiary, under the management of Messrs. Cunningham & Ellis, of which number four hundred are within the walls. The remainder are at work on farms and railroads.

On account of the severity of the weather, your committee were prevented from visiting any of the convict camps, except one, known as the Wynne farm, near Huntsville. But through convicts from the different camps, and reliable citizens, your committee learned something of the condition of other camps, and ascertained that no complaints were made requiring an investigation.

On the Wynne farm, however, your committee found over sixty convicts being worked by Messrs. Cunningham & Ellis, lessees. They respectfully submit that the prisoners on said farm are not treated and provided for as, in their opinion, they should be. They were quartered in too small a box house, the windows were small, with iron bars and without shutters. There was only one small stove in the house, and so arranged as to make it impossible for more than five or six persons to derive any benefit therefrom at any one time. Your committee also found four sick convicts in said house, confined to bunks, without any medical attendant. They believe that all such cases should be removed immediately to the hospital within the walls. They found that the bunks and bedding used by the convicts on said farm were very filthy, and they submit that, in view of the condition of the convicts, they are not provided for and treated as humanely as the laws of our State demand, but they found that the officers and lessees had discovered the wrongs suffered, and were seeking to have them corrected, and had ordered the sergeant to be removed before the visit of your committee.

While your committee do not hold the lessees entirely free from blame in the matter, yet they know that the recent division of the lease of the penitentiaries between Messrs. Cunningham & Ellis and Morrow, Hamby & Co., has been calculated to create confusion and, perhaps, unavoidable neglect in a proper superintendence of this farm.

Your committee, in justice to Superintendent Goree, here add that no convict at the Wynne farm charged him with any blame, and all of them stated that whenever any of their complaints were made known to him he always remedied the evil as soon as possible.

This camp had been recently visited by Col. D. M. Short, assistant superintendent, and the management of the same condemned, and reported to Superintendent Goree, who at once ordered the removal of the sergeant in charge.

The superintendent also ordered the remodeling of the prison building at said camp. This camp had been but recently organized, and was hardly in good working order at the time of the visit of the committee.

Your committee found several youthful convicts in both penitentiaries, and they respectfully suggest the importance and necessity of a reformatory for the imprisonment of all such criminals.

F. L. JOHNSTON,
W. H. POPE,
Senate Committee.
C. J. GARRISON,
G. B. McBRIDE,
L. B. JOHNSON,
House Committee.

And, also, a bill entitled "An act to amend section 1, of

"an act to provide for the organization of the State penitentiaries, and for the more efficient management of the same."

Referred to the Committee on Penitentiaries.

Senator Randolph introduced a bill to be entitled "An act authorizing writs of distress warrant, attachment and sequestration, and citations to be issued by justices of the peace in whose precinct the property, or part thereof about to be seized, is situated."

Referred to Judiciary Committee No. 1.

Senator Pope, by request, introduced a bill to be entitled "An act to erect a monument to the memory of Gen. Sam Houston."

Referred to the Committee on State Affairs.

Senator Gibbs introduced a bill to be entitled "An act amendatory of an act approved August 9, 1876, entitled 'an act to incorporate the city of Dallas, and a new charter to said city.'"

Referred to the Committee on State Affairs.

Senator Kleberg introduced a bill to be entitled "An act to amend articles 4611 and 4612 of the Revised Civil Statutes."

Referred to Judiciary Committee No. 1.

Also, a bill to be entitled "An act to amend article 772 of the Penal Code, in regard to punishing inspectors of hides and animals."

Referred to Judiciary Committee No. 2.

Senator Cooper introduced a bill to be entitled "An act for the protection of mill and material men."

Referred to Judiciary Committee No. 2.

Also, a bill to be entitled "An act for the protection of persons who have made advance or supplies on lumber."

Referred to Judiciary Committee No. 2.

Senator Pope, by request, introduced a bill to be entitled "An act to amend articles 2907 and 2903 of the Civil Statutes."

Referred to Judiciary Committee No. 1.

Senator Martin, chairman of Committee on Engrossed bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, February 10, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 32, being "An act to provide annual pensions for the surviving soldiers and sailors of the Texan revolution, and the surviving signers of the Declaration of Texan Independence, and the surviving widows of such soldiers, sailors or signers;" also, Senate bill No. 127, being "An act to reserve and set apart three hundred and twenty-five leagues of land heretofore surveyed for the benefit of the unorganized counties of this State, and such organized counties as may have located their four leagues of school land, or any part thereof, in conflict with valid prior locations and surveys, or which may, from any cause, fail to get title to the four leagues of land they are entitled to receive under the laws," and find the same correctly engrossed.

MARTIN, Chairman

COMMITTEE ROOM,
AUSTIN, February 10, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 189, being "An act to provide for the permanent endowment in lands or its proceeds, the university of Texas and its branches, including the branch for the instruction of colored youths," and find the same correctly engrossed.

MARTIN, Chairman.

On motion of Senator Pope, Senator Pfeuffer was excused for to-day, on account of important business.

The President laid before the Senate, Senate bill No. 30, "An act to amend article 1000, of chapter 1, title 13, of the second section of 'an act to adopt a Penal Code and Code of Criminal Procedure for the State of Texas,' passed February 21, 1879," with House amendment.

The Senate concurred in House amendments.

The President laid before the Senate Senate bill No. 39, "An act to amend articles 314 and 315, chapter 3, title 9, of the Penal Code of the State of Texas," with House amendments.

Senator Fowler moved that the Senate do not concur in House amendments, and that a conference committee be appointed to confer with a like committee of the House.

Carried.

The President appointed Senators Fowler, Harris and Martin on said committee.

The President laid before the Senate Senate bill No. 41, entitled "An act to provide for the payment of fees to county judges, justices of the peace, sheriffs, constables, district and county attorneys, and district clerks, for services rendered in felony cases."

Bill read third time and passed.

The President laid before the Senate Senate bill No. 135, entitled "An act to create the land districts of Mitchell and Howard."

Bill read third time and passed.

The President laid before the Senate Senate bill No. 10, entitled "An act to repeal an act entitled 'an act to prescribe the requisites of indictments in certain cases, approved March 26, 1881,' except as to indictments and criminal prosecutions pending at the time this act takes effect."

Bill read second time and ordered engrossed.

The President laid before the Senate Senate bill No. 19, "An act to amend articles 908, of chapter 2, and 911, of chapter 3, of the Code of Criminal Procedure."

Senator Cooper offered the following amendment:

Amend by striking out as follows: Article 908, of chapter 2, and amend the body of bill as follows: Strike out article 908, and amend article 911 as follows: "When the defendant is brought before the justice of the peace, he shall proceed to try the cause without delay, unless good ground for postponement thereof, in which case he shall postpone the trial until the next regular term of court, and shall require the defendant to give bond for his appearance at said term, and if when required he fails to give bond, he shall be kept in custody until the final termination of the cause."

Senator Harris moved the previous question on the pending amendment and the bill.

The motion seconded and the main question ordered.

The amendment of Senator Cooper was lost, and the Senate refused to engross the bill by the following vote:

YEAS—9.

Davis,
Evans,
Fowler,

Gibbs,
Harris,
Johnston of Shelby,

King,
Matlock,
Peacock.

NAYS—13.

Collins,
Cooper,
Farrar,
Gooch,
Houston,

Johnson of Collin,
Kleberg,
Martin,
Randolph,

Shannon,
Stratton,
Terrell,
Traylor.

Senator Jones moved to suspend the rules and take up Senate bill No. 207, entitled "An act to authorize and require the Commissioner of General Land Office to issue a certificate for thirteen labors of land to the heirs of Anson Jones, deceased."

Carried, and bill taken up and read second time.

Senator Harris offered the following amendment:

Strike out the word "unlocated," in next to last line of section 1, and insert "unappropriated."

Senator Gooch offered the following amendment to the pending amendment:

Insert after the word "unappropriated," the words "and unreserved."

Accepted by Senator Harris, and amendment adopted.

The Senate refused to engross the bill, by the following vote:

YEAS—8.

Collins,
Harris,
Houston,

Jones,
King,
Kleberg,

Matlock,
Randolph,

NAYS—14.

Cooper,
Davis,
Evans,
Farrar,
Fowler,

Gooch,
Johnson of Collin,
Martin,
Peacock,
Pope,

Shannon,
Stratton,
Terrell,
Traylor.

Senator Stratton moved to reconsider the vote by which the Senate refused to engross Senate bill No. 207.

Senator Davis moved to lay that motion on the table.

Carried, and bill lost.

Senator Matlock moved to suspend the rules and take up Senate bill No. 103, entitled "An act to amend section 7, chapter 76, of the act of 1879, entitled 'an act to give effect to section 2, article 9, of the Constitution, regulating the manner of removing and locating county seats and to provide for the location of county seats in organized counties, where no county seat has been established by law.'"

Carried, and bill taken up, read second time and ordered engrossed.

On motion of Senator Harris, the vote just taken was reconsidered.

Senator Matlock offered the following amendment, to amend caption and section 1 of the act:

"An act to amend section 7 of the acts of the call session of 1879, approved April 10, 1879, entitled 'an act to give effect to section 2, article 9, of the Constitution, regulating the manner of removing and locating county seats, and to provide for the location of county seats in organized counties, where no county seat has been created by existing law.'"

Adopted, and bill ordered engrossed.

The President laid before the Senate Senate joint resolution No. 5, "Making an appropriation for the settlement of the Robert Wilson claim," with adverse report of the committee to lay the resolution on the table.

Report adopted and resolution lost.

On motion of Senator, Gibbs the Senate adjourned until 10 o'clock Monday morning.

TWENTY-NINTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, February 12, 1883. }

Senate met pursuant to adjournment.

Hon. A. W. Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by Rev. Dr. Bunting of Galveston.

On motion of Senator Stratton, the reading of Saturday's journal was dispensed with, and same adopted.

Senator Evans presented a petition from citizens of Fannin county, asking the passage of a law protecting hog raising interest.

Referred to Judiciary Committee No. 2.

Also, a petition of divers citizens of Fannin county, asking the privilege of voting upon a constitutional amendment prohibiting the sale, manufacture and importation of intoxicating liquors.

Referred to Committee on Constitutional Amendments.

Senator Pfeuffer introduced a bill to be entitled "An act